

ANALYSIS

This ordinance creates Chapter 2.175 of the Los Angeles County Code relating to postgovernment employment and lobbying activities of County officials. Chapter 2.175 will:

- Restrict County officials, defined to include certain employees and commission members, from negotiating future employment or the promise of income with persons or entities which have County matters pending before that official or before any body of which the official is a member;
- Prohibit any person or entity which has a matter pending before a County official or any body of which the official is a member from negotiating future employment or the promise of income with that official;
- Prohibit any County official from using his official position to influence a decision involving the interests of a person with whom the official has an agreement, whether formal or informal, concerning future employment or the promise of income;
- Prohibit, without time restriction, paid lobbying activities by a former County official concerning matters in which the official was personally and substantively involved and over which he, or a body of which he was a member, had jurisdiction;
- Prohibit, for one year, paid lobbyist activities by a former elected County official or a former County Chief Administrative Officer on any matter before any County agency; and,
- Prohibit, for one year, paid lobbyist activities by a former non-elected County official on any matter before his former agency.

This ordinance also amends Chapter 1.25 of the Los Angeles County Code to allow for an administrative fine pursuant to Chapter 2.175 of up to \$5,000 per violation.

RAYMOND G. FORTNER, JR.
County Counsel

By
DERRICK M. AU
Senior Deputy County Counsel
Government Services Division

DMA:er
11/28/05 (requested)

ORDINANCE NO. _____

An ordinance amending the Los Angeles County Code, Title 1 - General Provisions, Section 1.25.040 and Title 2 - Administration, to add Chapter 2.175 - Postgovernment Employment and Lobbying of County Officials.

The Board of Supervisors of the County of Los Angeles ordains as follows:

SECTION 1. Chapter 2.175 is hereby added to Title 2 - Administration to read as follows:

Chapter 2.175

**POSTGOVERNMENT EMPLOYMENT AND LOBBYING ACTIVITIES OF
COUNTY OFFICIALS**

Sections:

- 2.175.010 Definitions.
- 2.175.020 Postgovernment Employment of County Officials.
- 2.175.030 Lobbying Activities of County Officials.
- 2.175.040 Violations and Enforcement.

2.175.010 Definitions.

The following terms, whenever used in this chapter, shall be construed as defined in this section. Except as otherwise provided herein, the terms and provisions of this chapter shall be interpreted in accordance with the applicable definitions and provisions of the Political Reform Act of 1974, as amended (Government Code Section 81000, et seq.) and the regulations of the California Fair Political Practices Commission, as amended.

A. "County official" includes a member of the board of supervisors, the sheriff, the assessor, the district attorney, and any county employee or member of a county board or commission required to file a statement of economic interests pursuant to the Political Reform Act of 1974, as amended.

B. "Personally and substantively participated" means, but is not limited to, making or voting on a decision, or making a recommendation or rendering advice, including conducting research or an investigation, directly or indirectly, to the decision maker.

C. "County agency" includes any department, office, board, commission, or other agency of the County of Los Angeles.

D. "Decision" does not include any ministerial action. A ministerial action is one that does not require a county official to exercise discretion concerning any outcome or course of action.

2.175.020 Postgovernment Employment of County Officials.

A. No county official shall directly or indirectly negotiate the possibility of future employment or the promise of income with any person or entity, other than a government agency, that has a matter within the regulatory, proprietary, or contractual jurisdiction of his county agency currently pending before that official or before any body of which the official is a member.

B. No person or entity, other than a government agency, with a matter pending before a county official, or before any body of which the official is a member shall, directly or indirectly negotiate the possibility of future employment or the promise of income with that county official.

C. No county official shall make, participate in making, or use his official position to influence a county decision involving the interests of a person or entity with which he has an agreement, formal or informal, concerning future employment or the promise of income.

2.175.030 Lobbying Activities of County Officials.

A. No former county official who personally and substantively participated in a decision, proceeding, claim, contract, legislation or other specific matter during his county service, shall, for compensation, attempt to influence any county decision or action regarding that specific matter on behalf of any person or entity, other than a government agency. This prohibition shall apply only if the specific matter is still pending before a county agency or if the county is a party to, or has a direct or substantial interest in, the specific matter.

B. For one year after leaving county service, no former elected county official or the county chief administrative officer shall, for compensation, engage in direct communication with any county agency for the purpose of attempting to influence any action or decision on any matter pending before that county agency on behalf of any person or entity, other than a government agency.

C. For one year after leaving county service, no former county official shall, for compensation, engage in direct communication with any county agency in which he served during the twelve month period preceding his departure from county service, for the purpose of attempting to influence any action or decision on any matter pending before that agency on behalf of any other person or entity, other than a government agency.

D. No provision contained in this section shall prevent any former county official from representing solely himself, or members of his immediate family, in their individual capacities, in connection with any matter pending before a county agency providing he provides such representation without compensation.

E. This section shall not apply to the activities of any former county official who is an elected or appointed officer of any city, county, district, multi-jurisdictional, state or federal government agency, when that former county official is solely representing that agency in his official capacity as an officer or employee of the agency.

2.175.040 Violations and Enforcement.

A. Criminal Enforcement

1. Any person who knowingly violates any provision of this chapter is guilty of a misdemeanor which may be punished by imprisonment in the county jail for no more than six months, or by a fine not exceeding \$1,000.00, or by both.

2. Any person who knowingly causes any other person to violate any provision of this chapter, or who aids or abets any other person to violate any provision of this chapter, shall be liable under the provisions of this chapter.

3. No person convicted of a misdemeanor under this chapter shall act as a county lobbyist or county lobbying firm, as defined in section 2.160.010 of this Code, for a period of four years after the date of the conviction, unless the court at the time of sentencing makes a specific finding that this provision shall not be applicable.

4. Prosecution of a violation of any provision of this chapter shall commence within four years after the date of the violation.

B. Civil Actions, Administrative Fines and Discipline

1. Any person who violates any provision of this chapter shall be liable in a civil action brought by the county for an amount of up to \$5,000.00 for each failure to comply.

2. In addition to the penalties set forth in subsections A and B(1) of this chapter, any violation of this chapter shall be subject to an administrative fine of an amount up to \$5,000.00. Any administrative fines shall be issued pursuant to the requirements of Chapter 1.25 of this Code. The executive officer of the board of supervisors shall be designated the enforcement officer for determination and imposition of the administrative fines to be issued and for providing representation, either directly or in conjunction with other county departments, on behalf of the County before the administrative hearing officer as provided for in Chapter 1.25 of this Code. The executive officer shall also be responsible for receiving and investigating any complaints or allegations of violations of this chapter.

3. The executive officer of the board of supervisors may develop rules for the administration of this chapter. Such rules shall be presented to the board of supervisors for its consideration and approval.

4. Any county official who violates any provision of this chapter shall be subject to discipline by the county, which shall be administered in accordance with procedures prescribed by law or established by county policy.

5. Any person that participates with a county official to violate any provision of this chapter shall be denied the county contract, permit, grant, license, franchise or any other matter which was the objective of the person whose prohibited activities were performed in violation of this chapter.

6. A civil or administrative action alleging a violation of any provision of this chapter shall be filed within four years after the date of the violation.

SECTION 2. Section 1.25.040 is hereby amended to read as follows:

1.25.040 Administrative fines.

A. Each violation of any provision of this code and each separate offense designated by this code shall be subject to an administrative fine, as provided for in this chapter.

B. The amount of the administrative fine shall be determined by the enforcement officer, based on the nature and extent of the violation and the particular circumstances of the responsible person(s), subject to the following limitations:

1. If this code designates the violation as an infraction, the amount of the administrative fine shall not exceed the maximum amount provided for in section 25132 of the California Government Code, for fines applicable to infractions; and,

2. Unless otherwise specified in this code, ~~For all other violations of this code, except for violations of chapter 2.190,~~ the amount of the administrative fine shall not exceed \$1,000.

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